

Exhibit B

Not for publication until released by the House Armed Services Committee

Prepared Statement

of

The Honorable Gilbert R. Cisneros, Jr.

Under Secretary of Defense for Personnel & Readiness

Before the

House Armed Services Subcommittee on Military Personnel

February 28, 2023

Not for publication until released by the House Armed Services Committee

Chairman Banks, Ranking Member Kim, and members of the subcommittee, thank you for the opportunity to testify before you today on the status of the Department of Defense's actions to confront the COVID-19 pandemic, protect our personnel across the Total Force, and ensure that the U.S. military can fight and win whenever needed in defense of the United States. Since the pandemic began, the civilian and military leadership at the Department, across two administrations, has led a highly effective response to an invisible, novel, and evolving threat. I appreciate the opportunity to share our experiences.

The pandemic has been nothing short of a national and global tragedy. More than 1.1 million American lives were lost to COVID-19, including 96 Service members, 36 military family members, 417 DoD civilian employees, and 141 DoD contractor employees. People are my top priority, and we all mourned the loss of our people to this awful disease. My heart goes out to their families and friends who will feel such loss for the rest of their lives.

The Department's response to the COVID-19 pandemic was historic and complex. Members of the Armed Forces on Active Duty, in the Reserve, and in the National Guard helped staff and operate testing and vaccination sites, provided medical and logistical support to stressed hospitals and overburdened civilian medical systems, and transported critical medical supplies when global supply chains froze. The Department's acquisition team procured the supplies and equipment needed by the Nation to combat the pandemic, including materials essential to development and manufacturing of tests and vaccines. The Nation is stronger thanks to the Department's swift and effective actions, which helped save the lives of many Americans, both in and out of uniform.

The Department of Defense and the Military Services took bold, necessary steps to protect the Force and its ability to operate in response to this new threat. These consisted of a

multilayered approach to Force health protection, including distancing, masking requirements, testing, staggered work schedules, remote work when possible, pre-deployment restrictions of movement, and mass immunization of the Force. Each Military Service has a unique mission, and the Military Services successfully employed these approaches to protect their ability to operate. Most importantly, these actions helped reduce the spread of the virus and protect our Service members from the harmful outcomes of COVID-19, including severe illness, hospitalization, and death. When COVID-19 vaccination became available, our Service members received the vaccine to protect themselves, their teammates, and their family members.

The first military personnel were provided the option to receive the COVID-19 vaccine beginning December 14, 2020, after the Food and Drug Administration (FDA) granted Emergency Use Authorization. The FDA granted the first (non-EUA) licensure for a COVID-19 vaccine on August 23, 2021. The next day, the Secretary of Defense established a COVID-19 immunization requirement for Service members, by which time 36 Service members had died of COVID-19. At that time, more than 1,000 Americans were dying of COVID-19 every day.

Today, more than two million Service members (more than 96%) are vaccinated against COVID-19. Approximately 53,000 Service members requested an exemption or accommodation related to the COVID-19 vaccination requirement for medical, religious, or administrative reasons, and 15,166 exemptions and accommodations were granted (13,508 administrative exemptions, 1,152 temporary medical exemptions, 107 permanent medical exemptions, and 399 religious accommodations). Each request was considered individually and adjudicated consistent with established, DoD-wide uniform standards. The administrative exemptions were typically granted for Service members who were within 6 months of separation or retirement, and the temporary medical exemptions were typically granted for pregnancy. When adjudicating

exemption and accommodation requests, the Military Services considered individual circumstances, the risk to mission, and the efficacy of the vaccine against adverse outcomes, including severe illness, hospitalization, and death.

Vaccination requirements for military personnel are not new and are important to maintain individual medical readiness and reduce risk to the mission. The U.S. military requires Service members to take several prophylaxis vaccines against communicable threats. Some, like the measles, mumps, and rubella vaccine, are required for all military personnel who do not already have immunity upon accession. The seasonal influenza vaccine is required for all Service members each year. Others, like the yellow fever vaccine, are required for entry into a specific theater of operation. These vaccine requirements keep our Service members and those they work and serve with healthy, safe, and ready to conduct their assigned missions.

Approximately 16,000 Service members refused to be vaccinated against COVID-19 without making any request for exemption or accommodation. A small fraction of Service members who did not request or receive an exemption or accommodation from the requirement to be vaccinated against COVID-19 refused to receive the COVID-19 vaccine even after receiving a lawful order to do so, and 8,422 were subsequently separated. Compliance with lawful orders is not optional in the military, and leaders within the Military Services took appropriate disciplinary action, including separation where appropriate, to maintain good order and discipline.

The combination of these measures enabled the U.S. military to continue crucial operations amid a challenging global threat environment. These policies continue to succeed at protecting our people and the nation's security. For a globally positioned Total Force—consisting of more than 3 million people—with national security and domestic support

implications for all Americans, the Department's prompt and effective actions saved countless lives and ensured critical mission readiness to defend the United States against all national security threats.

As the pandemic has evolved and the Military Services achieved a very high vaccination rate, the Department has modified its Force Health Protection Guidance, brought the workforce back into physical workspaces, removed masking requirements, and ended pre-deployment restrictions of movement. The most recent Departmental guidance, issued January 30, 2023, updates protocols for individuals exposed to someone with COVID-19 to align with the latest guidance from the Centers for Disease Control and Prevention, among other changes.

In December 2022, for the first time in history, Congress passed legislation to rescind a vaccination requirement for Service members. Section 525 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 required the Secretary of Defense to rescind his memorandum requiring COVID-19 vaccination for Service members.

The Department has complied with the NDAA requirement. On January 10, 2023, Secretary Austin signed a memorandum rescinding the COVID-19 vaccination requirement, as required by statute, and indicating that the Department "will continue to promote and encourage COVID-19 vaccination for all Service members." The memorandum also provides that "no individuals currently serving in the Armed Forces shall be separated solely on the basis of their refusal to receive the COVID-19 vaccination if they sought an accommodation on religious, administrative, or medical grounds." Appropriate officials within the Military Services continue to review cases of currently serving Service members who did not request an exemption or accommodation on an individual basis to determine appropriate action. The Department remains open to considering the reentry of previously separated members on a case-by-case basis; such

persons may utilize the standard accession processes for former Service members who have a break in service. As a matter of policy, the Department is not planning to provide back pay or service credit to Service members who were separated for refusing to take the vaccine or to National Guard members who did not comply with medical readiness requirements, including the requirement to be vaccinated against COVID-19.

Let me be clear: As we sit here today, there is no COVID-19 vaccination requirement for Service members or any other Department of Defense personnel. The Military Services no longer require COVID-19 vaccination for accession to, or retention in, their respective Military Service. This includes all new military accessions—both enlisted and officers—as well as cadets and midshipmen in officer commissioning programs. However, the Department will continue to respect host nation requirements, including vaccination requirements for entry into foreign nations, for personnel on official travel.

On February 24, Deputy Secretary of Defense Hicks published a memorandum directing DoD Component Heads to formally rescind policies, directives, and guidance related to COVID-19 vaccination requirements as soon as possible, if they have not done so already, and to certify in writing to my office that these actions have been completed no later than March 17, 2023. The memo also indicates that, except to comply with foreign entry requirements, “... DoD Component Heads and commanders will not require a Service member or group of Service members to be vaccinated against COVID-19, nor consider a Service member’s COVID-19 immunization status in making deployment, assignment, and other operational decisions, absent establishment of a new immunization requirement...” Relatedly, the memo updates DoD Instruction 6205.02, “DoD Immunization Program” to establish a process requiring various DoD

Components to submit a request for approval to initiate, modify, or terminate mandatory immunizations of personnel, to the Assistant Secretary of Defense for Health Affairs.

The future course of the COVID-19 pandemic is unknown. The Department must maintain its flexibility to adjust policies as needed to protect the Force and defend the nation amid changing public health conditions.

I am proud of the Department's work to confront the COVID-19 threat to the Force and the nation's defense, which was a highly effective response to an unprecedented challenge. The threats posed by future pandemics and biological warfare must be considered in preparations for future contingencies.

In this year of major milestones—the 50th anniversary of the All-Volunteer Force and the 75th anniversary of President Truman's executive order to provide equality of treatment and opportunity for Service members without regard to race, color, religion, or national origin—the dedication of our Total Force to ensure mission readiness and defend America's national security is a critical message for young Americans. I appreciate the opportunity to showcase the collective power of our Department against an overwhelming challenge—the COVID-19 pandemic. Thank you for the opportunity to appear before the subcommittee, and I look forward to your questions.